

**Federal Defenders
OF NEW YORK, INC.**

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September 24, 2021

BY ECF

The Honorable Judge Laura T. Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: **United States v. James Lewis**
05 Cr. 462 (LTS)

Honorable Judge Swain:

I write as counsel to James Lewis in the above-captioned case in response to the Court's September 13, 2021 order directing Mr. Lewis to respond to the Government's submission concerning the Temporary Offset Program.

On August 9, 2021, Mr. Lewis wrote a letter to the Court requesting relief for his placement in the Temporary Offset Program. On September 10, 2021, the Government filed a response to Mr. Lewis's letter. Doc. 105. The Court then directed Mr. Lewis to file a reply by October 1, 2021. Doc. 106. Since then, the parties have engaged in settlement negotiations and have reached an agreement. *See Exhibit A, Partial Refund and Installment Payment Agreement.* Accordingly, Mr. Lewis respectfully withdraws his August 9, 2021 letter to the Court, as the parties agree this matter is now resolved without the need for further Court intervention.

Thank you for your consideration of this matter.

The foregoing request is granted and Mr. Lewis' request for relief regarding his placement in the Temporary Offset Program is hereby withdrawn. Dkt entry nos. 101 and 108 resolved. SO ORDERED.

9/27/2021

/s/ Laura Taylor Swain, Chief USDJ

Respectfully submitted,

/s/
Marne L. Lenox
Assistant Federal Defender
(212) 417-8721

cc: Melissa Childs, Assistant U.S. Attorney

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Judgment Creditor,
-v-
JAMES LEE LEWIS,
Judgment Debtor.

05 CR 462 (LTS)

INSTALLMENT PAYMENT AGREEMENT

JAMES LEE LEWIS acknowledges and agrees as follows:

1. To make monthly installment payments toward the balance of my judgment debt in the above-captioned matter:
 - a. As of September 22, 2021, my judgment balance was \$35,586.19.
 - b. I will submit monthly installment payments in the minimum amount of \$50.00 by the 15th day of each month from October 2021 until further notice. This installment payment amount may be adjusted by the United States Attorney's Office ("USAO") if my financial statement or other information indicates a material change in economic circumstances to warrant an adjustment.
 - c. I will submit all payments in the form of a cashier's check or money order made payable and delivered to Clerk of Court, 500 Pearl Street, Room 260, New York, New York 10007, Attn: Cashier, with 05 CR 462 noted on the face of each payment.
2. To submit a completed financial statement for myself as an individual and for any business entity in which I have any interest, along with supporting documentation, including but

not limited to copies of my state and federal tax returns for the prior year to the USAO on or before July 15th of each year, until the judgment debt is paid in full or expired:

a. I will notify the USAO in writing within 30 days of any change of my address.

b. I will notify the USAO in writing within 30 days of each additional or subsequent source of income, whether from contract, employment, inheritance, or any other means.

3. To waive any objection to the immediate collection of the entire balance of my judgment debt by all administrative and judicial enforcement remedies available to the USAO, including but not limited to referral of my debt to the Treasury Offset Program (“TOP”), without any further notice or delay if I fail to make either the payment of any installment or the submission of the financial statement and tax returns by the due dates in this agreement.

4. In exchange for the consideration set forth in this agreement, the USAO will refund, and I will accept, the return of \$1,598.79 from the TOP payment in the amount of \$ 2,973.79 received by the United States on July 14, 2021 after the filing of my federal tax return. I understand that my judgment balance will increase by the \$1,598.79 returned to me.

9/24/2021	James Lewis	/s/ James Lewis
Date	Debtor's Name	Debtor's Signature